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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,733	01/12/2004	David J. Dedic	AADG10000100	1117
22891	7590	01/06/2006	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/755,733	Applicant(s) DEDIC ET AL.	
	Examiner Ismael Negron	Art Unit 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-5, 7, 9-11, 15 and 16 is/are rejected.  
 7) ☒ Claim(s) 6, 8 and 12 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/12/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention I (defined by claims 1-12, 15 and 16) in the reply filed on October 13, 2005 is acknowledged. The traversal is on the ground(s) that inventions I and II are not "independent and distinct". This is not found persuasive because while the statute does recite the cited "independent and distinct" language, the law has long been established that dependent inventions (frequently termed related inventions) may be properly divided if they are, in fact, "distinct" inventions, even though dependent. Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect, and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art). In the instant case, the invention of Group II has separate utility (e.g. providing a bypass for rerouting electrical wiring) from that of the invention of Group I. In addition, the invention defined by Group I is patentable over the invention of Group II.

2. The requirement is still deemed proper and is therefore made FINAL.

### ***Title***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The following title is suggested: ~~Emergency Exit Path Lighting System with Hollow Doorframe for Implementing~~ **including** Electroluminescent Technology **Illumination System**.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **41** and **414'** (see Figure 14C).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**70**" has been used to designate both "*support strut*" (page 10, line 22) and "*U-shaped channel*" (page 10, line 30). In addition, note reference character "**102**", used to designate "*raceway tube*" (page 12, line 4) and "*top portion*" (page 12, line 9).

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g).

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin

as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

### ***Specification***

7. The disclosure is objected to because of the following informalities:

- page 9, line 25 should read "for the hinges 15 to be located on the doorframe opposite the illuminators electroluminescent strip 32, as shown in" to be consistent with the use of reference number 32 in line 5 of page 9;
- page 10, lines 19 and 20 should read "surface 62 with a channel 64 attached thereto. The channel 64 is attached to the side face surface 62 in the direction of the intended illumination. In this embodiment, the channel is shown" to be consistent with the use of reference number 62 in lines 18 and 19 of page 10; and
- page 14, line 24 should read "boxes. The ~~two-conductor wire~~ wiring 310 within the metal raceway channel allows the" to be

consistent with the use of reference number 310 in line 9 of page  
14.

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: no brief description of figures 3A-3C and 14A-14C is provided, as required by 37 F.C.R. 1.74. Appropriate correction is required.

It is noted that the specification includes brief descriptions for figures 3 and 14; the Examiner suggests amending the description of figures 3 and 14 to be directed to figures 3A-3C and 14A-14C, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,-5, 7, 9-11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over MORRIS (U.S. Pat. 6,058,635) in view of CHIEN (U.S. Pat. 5,775,016).

10. MORRIS discloses an illumination system having:

- **a doorframe formed by three frame members (as recited in claims 1 and 15), Figure 1, reference number 20;**
- **the three frame members including two side panels (as recited in claims 1 and 15), Figure 1, reference numbers 21 and 22;**
- **the three frame members also including an overhead lintel (as recited in claims 1 and 15), Figure 1, reference number 23;**
- **the side panels being separated by the lintel (as recited in Claim 1), column 2, lines 28-32;**
- **each of the frame members formed of a hollowed construction (as recited in Claim 1), as seen in Figure 1;**
- **the frame members having an interior portion for receiving a door (as recited in Claim 1), as evidenced by Figure 1;**
- **the frame members having an open exterior portion for attaching to a support structure (as recited in Claim 1), as seen in Figure 1;**
- **the frame members having outwardly facing first and second side faces (as recited in Claim 1), inherent;**
- **the frame members defining a maximum outer periphery (as recited in Claim 1), inherent;**
- **an illumination device (as recited in claims 1 and 15), Figure 1, reference numbers 24-26;**

- **the illumination device being secured to the first side face (as recited in claims 1 and 16), as seen in Figure 1;**
- **the door frame being illuminated about the side panels and the lintel when the illumination device is activated by a power source (as recited in claims 1 and 15), column 1, lines 45-56;**
- **a channel located on the first side face (as recited in claims 2 and 15), as seen in Figure 2;**
- **a junction box (as recited in Claim 9), as seen in Figure 1;**
- **the junction box being securable to the door frame (as recited in Claim 9), inherent;**
- **the junction box providing for electrical connection to a power source for the illumination device (as recited in Claim 9), as evidenced by Figure 1;**
- **an aperture within the door frame (as recited in Claim 10), as seen in Figures 2, 3, 5 and 6;**
- **the junction box being attached to aperture of the door frame (as recited in Claim 10), as seen in Figure 5 and 6;**
- **a door (as recited in Claim 11), Figure 1, reference number 55;**
- **the door being attached to the door frame by a hinged connector (as recited in Claim 11), as seen in Figure 1.**

11. MORRIS discloses all the limitations of the claims, except:



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- the illumination device being an outwardly open electroluminescent (EL) strip (as recited in Claim 1);
- a U-shaped channel (as recited in claims 3, 4 and 15);
- the U-shaped being integrally formed with the first side face (as recited in Claim 3);
- the U-shaped channel being secured to the first side face (as recited in claims 4 and 15);
- the EL strip being placed within a race way tube (as recited in claims 5, 7, and 16);
- the raceway tube having at least a transparent or translucent front surface (as recited in claims 5, 7, and 16);
- the raceway tube being secured to the first side face (as recited in claims 5, 7, and 16);
- the raceway tube being fitted and secured to the first side face channel (as recited in Claim 7);
- the door having a recess for flush mounting an EXIT sign (as recited in Claim 11); and
- a second set of raceway tube being secured to structures leading to the doorframe (as recited in Claim 15).

12. CHIEN discloses a safety sign, having:

- **an illumination device (as recited in Claim 1), Figure 15A;**

- **the illumination device being an electroluminescent (EL) strip (as recited in Claim 1), Figure 15A, reference numbers 7-11;**
- **a U-shaped channel (as recited in claims 3 and 4)**
- **the EL strip being placed within a race way tube (as recited in claims 5 and 7), as suggested in column 5, lines 24-30;**
- **the raceway tube having at least a transparent or translucent front surface (as recited in claims 5 and 7), Figure 15A, reference number 52;**
- **the raceway tube being secured to the first side face of an emergency exit door (as recited in claims 5 and 7), as seen in Figure 6;**
- **the raceway tube being fitted and secured to a channel (as recited in Claim 7), as suggested in column 5, lines 27-30;**
- **the door having a recess for flush mounting an EXIT sign (as recited in Claim 11), as evidenced by Figure 6; and**
- **a second set of raceway tube being secured to structures leading to the door frame (as recited in Claim 15), as seen in Figure 6.**

13. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the EL illumination device of CHIEN in the illumination system of MORRIS, as such EL illumination device is recognized to have many advantages over the incandescent light sources of MORRIS (e.g. reduced size,

increased flexibility, relative softness, high efficiency, low power consumption, long life, resistance to shocks and vibrations, and low heat production). See from column 3 (line 61) to column 4 (line 9) of CHIEN.

14. Regarding the door frame including a U-shaped channel being integrally formed (as recited in Claim 3) with, or secured to the first side face (as recited in Claim 4), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made that the aperture structure 24 and 25 of MORRIS (as shown in Figure 2) was an equivalent structure known in the art. Providing a U-shaped channel to the door frame of MORRIS for receiving the light source of CHIEN would have flowed naturally to one of ordinary skill in the art as suggested by CHIEN (see column 5, lines 24-30).

#### ***Relevant Prior Art***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Gillson, Jr.** (U.S. Pat. 2,733,367), **Chien** (U.S. Pat. Pub. 2001/0013185) and **Chien** (U.S. Pat. Pub. 2003/0231485) disclose electroluminescent illumination devices, some providing emergency illumination for signaling exit paths.

**Miller** (U.S. Pat. 4,365,232), **Becnel** (U.S. Pat. 6,099,136), **Iarussi** (U.S. Pat. Pub. 2004/0016186) and **Chiarucci** (U.S. Pat. 6,785,992) disclose lighting systems for providing illumination of doors and other exit paths during an emergency.

***Allowable Subject Matter***

16. Claims 6, 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illuminated doorframe having an EL device positioned about the outward periphery of the doorframe, the EL device being placed within a raceway tube having a transparent or translucent front surface. The raceway tube being substantially uniform in thickness on the front and back portions, a substantially smaller thickness on a side portion, and an overlapping and interlocking clamp on the other side portion. In an alternative embodiment, an overlapping and interlocking clamp might be used on both side portions. In addition, a door might be attached to the door frame by means of a hinged connector, such hinged connector including one aperture for

electrical wiring, with a corresponding aperture being formed on the door frame to received the electrical wiring from the hinged connector.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the claimed structure of the raceway tube or hinged connector, in combination with the recited structural limitations of the claimed doorframe.

### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.


19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you

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have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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